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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**BAIL APPLICATION NO.2660 OF 2018**

Mala Vishnu Sharma @ Vanmala  
Jitendra Tayade & Anr.

**..Applicants**

**Vs**

The State of Maharashtra

**..Respondents**

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Mr. Satyavrat Joshi a/w Nitesh Mohite for the applicant

Mr. R.M. Pethe, APP for State.

Mr. Prakash Patil, API, Mahatma Phule Chowk Police Station, Kalyan is present.

**CORAM : A.S.GADKARI, J.**

**DATE : 11<sup>th</sup> April 2019.**

**P.C.:**

**1]** This is an application under Section 439 of Cr. P.C. for bail in CR No.I-77 of 2018 dated 8.2.2018 registered with Mahatma Phule Chowk Police Station, Kalyan, District-Thane under sections 420, 365, 368, 370, 376, 324, 323, read with 34 of the Indian Penal Code.

**2]** Heard the learned counsel for the applicant and the learned APP. Perused the chargesheet.

**3]** It is the prosecution case that, the prosecutrix was deserted by her husband and was having one minor son from her marriage. That the prosecutrix developed an affair with Mr. Vishnu Sharma. The said Vishnu

Sharma promised the prosecutrix to marry with her. That in the month of January 2017 , the said Vishnu Sharma and the applicant No.1 i.e. wife of Vishnu Sharma induced the prosecutrix to visit a particular place. At that place the applicant No.2 i.e. father of Vishnu Sharma was also present. That the applicants alongwith Vishnu Sharma thereafter took the prosecutrix to Tikubaba Ki Dhani, District Jaipur, State of Rajasthan and performed her marriage with one Rameshwar Yadav. It is the case of the prosecution that, the prosecutrix was unlawfully confined at the said place. It is the further prosecution case that, the marriage of the prosecutrix with Rameshwar Yadav was forcibly solemnized by the applicants and Vishnu Sharma against her will. When the prosecutrix was forced to cohabit with said Rameshwar Yadav, to which she denied, the said Rameshwar Yadav assaulted her and caused burn injury to her left arm. The mother of the prosecutrix went to the said place and the prosecutrix was rescued from the confinement of Rameshwar Yadav. In the premise the first information report is lodged.

4] Perusal of the chargesheet would indicate that, the role attributed to the applicants is that, they along with Vishnu Sharma instigated the prosecutrix to come to the native place to get a better job and

subsequently performed her marriage with the said person.

5] The applicant No.1 is a woman and the applicant No.2 appears to be a senior citizen. Apart from the aforesaid facts, no other overt-act is attributed to the applicants. The applicants are in jail since April 2018 and the police have completed the investigation and submitted chargesheet. No purpose will be served by further keeping the applicants in incarceration and the applicants can be released on bail.

Hence the following Order:-

- i] Applicant be released on bail in CR No.I-77 of 2018 registered with Mahatma Phule Chowk Police Station, Kalyan, District-Thane on their furnishing PR bond of Rs.20,000/- each with one or two separate solvent local sureties in the like amount;
  - ii] The applicant shall attend all the dates before the Trial Court unless exempted by the concerned Court.
  - iii] In case of two consecutive defaults, the Investigating Officer is at liberty to file an application for cancellation of bail.
- 6] Application is allowed in the aforesaid terms.

**(A.S.GADKARI, J.)**